## BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS OF THE STATE OF MONTANA

In the matter of the amendment of ARM 12.8.702 through 12.8.709 pertaining to primitive fishing access	)	NOTICE OF AMENDMENT
	)	
	)	
sites	)	

## TO: All Concerned Persons

- 1. On September 5, 2013, the Department of Fish, Wildlife and Parks published MAR Notice No.12-397 pertaining to the proposed amendment of the above-stated rules at page 1565 of the 2013 Montana Administrative Register, Issue Number 17.
  - 2. The department has amended the above-stated rules as proposed.
- 3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

<u>COMMENT 1</u>: Two people commented in favor of retaining a lower level of development at primitive fishing access sites. One person commented that they supported the changes because some level of development is necessary regardless of whether a site is labeled as a primitive access site.

<u>RESPONSE 1</u>: The department recognizes the value of primitive fishing access sites but also has a commitment to provide a variety of recreation experiences including primitive and developed fishing access sites. The sites that are to be removed from the list are ones that may no longer be owned by the department or are primarily locations where recreational use, camping in particular, is occurring at a level that warrants some additional development in order to protect the resources and continue providing the desired recreational activity.

<u>COMMENT 2</u>: One person commented that Bureau of Reclamation campgrounds on Canyon Ferry Reservoir and Hauser Reservoir are examples of unnecessary improvements that have resulted in higher camping fees and that the department should avoid making the same mistake.

<u>RESPONSE 2</u>: Camping fees at fishing access sites are set by the Fish and Wildlife Commission. The camping fees at a primitive fishing access site are the same as the camping fees at other fishing access sites. The fee system is not based on the level of development or amenities provided at an access site.

<u>COMMENT 3</u>: One person asked if the struck-through sites were not under consideration.

<u>RESPONSE 3</u>: The struck-through sites in the proposal are the sites that the department is removing from the list of primitive fishing access sites because they are either no longer owned by the department or they need improvements to address public use patterns.

<u>COMMENT 4</u>: One person commented on camping conditions at Ackley Lake State Park and the state park reservation system.

<u>RESPONSE 4</u>: This rule does not apply to state parks and therefore is outside the scope of this rulemaking procedure.

<u>COMMENT 5</u>: One person commented that they would like to see restrictions similar to those on the Beaverhead and Big Hole rivers placed on fishing guides operating on the Missouri River.

<u>RESPONSE 5</u>: This rule does not apply to restrictions on outfitting and guiding and therefore the request to regulate guiding on the Missouri River is outside the scope of this rulemaking procedure.

<u>COMMENT 6</u>: One person commented that there are too many regulation signs at fishing access sites that contain language informing visitors about activities that are prohibited and commented that overnight use should be allowed at all fishing access sites.

<u>RESPONSE 6</u>: This rule does not apply to public use restrictions at fishing access sites and therefore the concerns about signs and prohibitions on overnight camping is outside the scope of this rulemaking procedure.

/s/ Aimee Fausser Aimee Fausser Rule Reviewer /s/ Mike Volesky
Mike Volesky
Chief of Staff
Department of Fish, Wildlife and Parks

Certified to the Secretary of State November 18, 2013.